

**MEMORANDUM  
TO THE HONORABLE JOSEPH F. BIANCO  
United States District Judge**

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

RE: Phillip A. Kenner  
DOCKET NO.: 13-CR-607

☆ NOV 16 2015 ☆

SENTENCE DATE: November 20, 2015, LONG ISLAND OFFICE

On July 9, 2015, the defendant was convicted via jury trial before Your Honor on Counts One through Four, and Counts Seven and Nine, of a nine-count, second superseding indictment involving a wire fraud and money laundering scheme, and the case was assigned to United States Probation Officer Shayna Bryant.

Given the complex nature of the fraud scheme, wherein the victims investors were defrauded several millions of dollars, the *Offense Conduct* Section of presentence report has not been completed. This has caused a delay in the presentence investigation, and additional time is needed in order to prepare the presentence report. In view of the impending sentence date, we respectfully request a one-month adjournment. We apologize for the inconvenience.

Please indicate below if an adjournment of sentence is acceptable to the Court.

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An adjournment of sentence is acceptable. The new date will be Feb. 12, 2016, 1:30 p.m.

An adjournment of sentence is not acceptable.

Respectfully Submitted,

Eileen Kelly  
Chief U.S. Probation Officer

Prepared by:

Approved by:

Joseph F. Bianco  
USDJ

Date: Nov. 16, 2015  
Central Islip, N.Y.

Shayna Bryant  
U.S. Probation Officer  
(347) 534-3696

Frank Marcigiano  
Supervising U.S. Probation Officer  
(347) 534-3734

Date: November 5, 2015

cc: Richard Haley, Esq.  
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